

Appln. No.: 10/733,411
Response dated April 3, 2009
Reply to Office Action of March 10, 2009

REMARKS/ARGUMENTS

The non-final Office Action of March 10, 2009, has been carefully reviewed and these remarks are responsive thereto. Claims 1 and 9 have been amended. Claims 5 and 12 were previously canceled. No new matter has been added. Claims 1-4, 6-11, and 13-34 remain pending. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under § 35 U.S.C. 103

Claims 1, 4, 6-11, 13-19, and 22-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Internet Archive's CheckFree Website:

<http://web.archive.org/web/20000510083954/www.CheckFree.com>,

hereinafter CheckFree, in view of "Naming and Synchronization in a Decentralized Computer System" Massachusetts Institute of Technology, 1978, to David Reed ("Reed"), and further in view of U.S. pat. no. 7,181,623 to Golubchik et al. ("Golubchik"). Claims 2, 3, 20, 21, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over CheckFree, in view of Reed and Golubchik, and further in view of Official Notice. These rejections are respectfully traversed.

Amended claim 1 recites:

"... a file sweeper that is operable to sweep files received at the server to other locations for application of the reconciliation software package at the other locations."

Illustrative, non-limiting written description support is provided in the filed specification when read as a whole, and for example, at pages 21-22 (paragraphs [0060]-[0061]) and Figure 9.

The Office Action at page 5 contends that CheckFree generally teaches or at least suggests (automatically) sweeping files in at least the paragraph beginning with "RECON SOLVER automatically guides ..." on page 12. The Office Action further asserts that technologies such as routers and proxy servers that automatically sweep or forward received data files to predetermined locations are old and well known in the art of computer networking and scalable decentralized systems, citing various passages of Golubchik in the process. The Office Action states that it would have been obvious at the time of the invention to a person having

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ordinary skill in the art to include a router or proxy server as taught in Golubchik into a large scale financial reconciliation system as taught by CheckFree because doing so would allegedly help prevent system overloads while improving system efficiency and scalability.

As explained in Applicants' filed specification at page 16 (paragraph [0050]), in conventional implementations of CheckFree's ReconPlus, files are stored in one folder and are accessed from that folder. Indeed, *CheckFree* at page 8 (in the paragraph that starts with "Multi-site operations compound the problem...") *describes that* in an enterprise-wide environment, *accounts must be accumulated*, reconciled and reported *from a broad range of sources to clarify a total financial picture*. As such, CheckFree teaches away from a file sweeper that is operable to sweep files received at the server to other locations as recited in claim 1 because CheckFree describes accumulating accounts for purposes of clarifying a total financial picture, and sweeping those files to other locations would run counter to the accumulation performed in CheckFree. More specifically, CheckFree accumulates accounts for purposes of performing reconciliation, and thus, there would not have been an apparent reason to subsequently sweep files received at a server to other locations for application of a reconciliation software package at the other locations. Thus, one of skill in the art, starting from CheckFree, would not have had an apparent reason to modify CheckFree to include the alleged teachings of Golubchik to arrive at the above-noted features recited in claim 1, given that CheckFree teaches away from such features.

The passage relied on by the Office (e.g., the paragraph beginning with "RECON SOLVER automatically guides ..." on page 12 of CheckFree) to allegedly demonstrate features related to a file sweeper that is operable to sweep files received at the server to other locations merely describes guiding exceptions identified in ReconPlus to departments within an organization for resolution. Even assuming (without admitting) that the identified exceptions described at page 12 of CheckFree can appropriately be analogized to the swept files recited in claim 1, the exceptions are merely the ex-post outcome/result of having applied ReconPlus at a central/accumulating location. Conversely, (amended) claim 1 clarifies that the recited reconciliation software package is applied at the other (swept) locations.

Claim 1 is allowable for at least the foregoing reasons.

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Independent claim 9 recites:

“ . . . performing financial reconciliation on the data in the first and second files,
*wherein different instances of a system that performs the financial reconciliation
operate in conjunction with the files at the predetermined locations . . .*”

The Office Action at page 4 asserts that CheckFree at page 22 generally teaches or at least suggests the above-italicized features as recited in amended claim 9 because CheckFree describes concurrent online and batch processing.

The Office appears to assert that concurrent online and batch processing would inherently require different instances of the CheckFree system that performs financial reconciliation to operate in conjunction with the files at the predetermined locations. Applicants refer the Office to MPEP § 2112 (IV. Examiner Must Provide Rationale or Evidence Tending to Show Inherency) (providing that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic; the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art) (emphasis in original). Indeed, taking the CheckFree reference as a whole¹, one of skill in the art would appreciate that the concurrent online and batch processing may alternatively facilitate transferring files to a central, accumulating location for purposes of performing reconciliation as discussed above with respect to claim 1. See CheckFree at page 17 (discussing, in the paragraph labeled “Track Items Using a Batch-Centric Approach”, that CheckFree A.R.M. includes scheduling capabilities, *providing for import, matching, and export scheduling* that occurs automatically at any time).

The above-noted features as recited in amended claim 9 are not inherently disclosed in CheckFree, and as such, claim 9 is allowable for at least the foregoing reasons. In the event that the Office maintains a rejection of claim 9 based on CheckFree, Applicants respectfully request the Office to address the substance of the above remarks with respect to claim 9.

Furthermore, CheckFree teaches away from the above-noted features recited in claim 9 for at least reasons similar to those discussed above with respect to claim 1.

¹ See, e.g., MPEP § 2141.02 (VI).

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Claim 9 is allowable for at least the foregoing reasons.

Independent claim 24 recites:

“ . . . storing individual files of the plurality of electronic files in a plurality of locations that will be accessed by multiple instances of an application . . . ”

For at least reasons substantially similar to those described above in conjunction with claim 9, CheckFree fails to disclose the above-noted features recited in claim 24. As such, claim 24 is allowable over CheckFree for at least similar reasons as discussed above with respect to claim 9.

The dependent claims are allowable for at least the same reasons as their respective base claims (e.g., claims 1, 9 and 24), and further in view of the additional features recited therein.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly. All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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